



## Procedures for Housing Cases

**Role of IDHR:** The Illinois Department of Human Rights (IDHR) is the state agency responsible for enforcing the Illinois Human Rights Act. The role of IDHR is to conduct a **NEUTRAL and FAIR** investigation of the allegations of discrimination stated in a charge. IDHR staff does not suggest reasons to file, but will discuss the various types of discrimination and explain the procedures for filing a charge.

**Attorneys:** IDHR represents the state's interest in eliminating discriminatory housing practices. However, we cannot give legal advice or represent either party. Attorneys are not required, but if you would like legal representation, you must obtain your own attorney. Attorneys have a strictly advisory role and may not testify unless they have first-hand knowledge. If you do not have legal counsel you may bring a friend or relative for advice or moral support. You may also bring an interpreter if needed (however, interpreters must be over the age of 18).

**Filing of Charge:** A Complainant may initiate a charge in writing, by phone or in person. After a charge is filed, the case is given an IDHR charge number and it is served on the Respondent(s), the person or organization the charge is filed against. Always refer to the charge number when calling or corresponding with IDHR.

**Responsibility to Cooperate:** Complainants and Respondents have a responsibility to cooperate with IDHR, and must notify us of any changes in address or telephone number **immediately**. If the Complainant cannot be contacted or interviewed, the case will be dismissed.

**Temporary Relief:** At any time after a charge is filed and while the determination of the case is pending, either IDHR or the Complainant may petition the appropriate court for a "temporary restraining order" (TRO). A petition must contain a certification by the Director explaining the **irreparable injury** that will result from a civil rights violation in the absence of the TRO.

**Investigation:** After the charge is signed, the Respondent is required to file a written response to the charge and send a copy of the response to the Complainant. If the Complainant chooses to respond in writing, copies should be sent to IDHR and to the Respondent. The investigator will contact and interview the parties, obtain relevant documents, and interview witnesses. The investigator may schedule a fact-finding conference with the parties to discuss the case; if so, all parties are required to attend. All parties should assist in the investigation by helping the investigator to locate pertinent documents and witnesses. Upon completing the investigation, IDHR will send the parties a copy of the report summarizing the information obtained along with recommended findings dismissing the case or indicating that IDHR found substantial evidence of a violation of the Human Rights Act.

**Settlement:** IDHR will attempt to resolve the dispute through settlement discussions. Should a settlement be reached, the parties may draft their own settlement agreement or enter into Terms of Settlement and Agreement drafted by IDHR. Complainants entering into a private settlement agreement must withdraw the charge. A privately drafted settlement agreement is not enforceable by IDHR or the Illinois Human Rights Commission (IHRC). Terms of Settlement and Agreement approved by IDHR are submitted to the IHRC. After it approves the terms, the IHRC enters an order dismissing the charge pursuant to compliance with the terms of the agreement. A party who alleges that an approved settlement agreement has been breached may seek to have IDHR enforce the Terms of Settlement and Agreement by contacting IDHR's investigator or may enforce the Terms of Settlement and Agreement themselves by filing an enforcement action in the circuit court alleging said breach. IDHR enforces approved Terms of Settlement and Agreements in state court with the assistance of the Attorney General's office.

**Appeal Rights:** If IDHR dismisses the case, the Complainant may file a request for review within 90 days to appeal the dismissal with the Illinois Human Rights Commission, a separate state agency. Respondents may file a request for review within 30 days of a notice of default recommendation.

**Public Hearing:** If substantial evidence of discrimination is found and conciliation fails, IDHR files a complaint with the Illinois Human Rights Commission (IHRC). Parties may elect instead to have their claims decided in a circuit court of Illinois, and have 20 days to make this decision. If such election is made, the IHRC administratively closes the file. Otherwise, the IHRC will schedule the case for a public hearing before an administrative law judge. IDHR will be a party to the case, and seek appropriate relief for the Complainant and vindication of the public interest. All parties are advised to obtain legal counsel at this stage as IDHR is not the Complainant's attorney. If the Complainant wins at this level, the judge can order appropriate remedies to make the Complainant "whole," as if the discrimination had not occurred. The IHRC process may take several years.

**State and Federal Court:** An aggrieved party may file a civil action in an appropriate federal district court or state circuit court within 2 years after the occurrence or termination of an alleged discriminatory housing practice. The computation of this 2-year period does not include the time during which this administrative proceeding was pending. The IDHR may administratively close a pending charge if the issues that are the basis of the charge are being litigated in a state or federal court proceeding.